

Attorney Docket No.: J3672(C)
Serial No.: 10/518,320
Filed: August 17, 2005
Confirmation No.: 6742

REMARKS

New claim 14, depending from claim 1, specifies that the composition includes volatile propellant at a level of from 30 to 95% by weight. The subject claims See, for, example page 16 lines 22 to 25. Entry thereof is respectfully requested.

Pursuant to the referenced Office Action, claims 1 and 13 stand rejected under 35 U.S.C. 112 second paragraph. Additionally, claims 1-7 and 9-13 stand rejected under 35 U.S.C. 103(a) over Joshi et al. (US 6,171,581) in view of Galleguillos et al. (US 5,534,245) and Rieley et al. (US 2002/0119108). The outstanding rejections are respectfully traversed.

The Office Action maintains that for a water-in-oil emulsion, the instantly claimed proportion of aqueous dispersed phase (s) within the total composition (i.e., 50% to 90% by weight) is not enabled at the high end of the range. Respectfully, emulsions with a high level of internal phase are well known. See, for example, US 5,925,338 disclosing antiperspirant gel compositions that are water-in-oil emulsions in which the water phase is said to comprise about 75 to 90% of the composition. The '338 patent exemplifies water-in-oil compositions that contain, by weight, 37.41% to 44.40% water, together with 6 to 23.5% tetrachlorohydrate glycine (added as a 50% aqueous solution), 0 to 14% ethanol and 5.85 to 15.55% propylene glycol, to form compositions that, in several cases have an aqueous internal phase in excess of 80% by weight. Respectfully, the procedures set forth in the subject application can be used to prepare oil-in-water emulsions having the claimed level of internal aqueous phase.

As regards the §103 rejection, Joshi et al. is directed to water-in-oil or oil-in-water emulsions that are in the form of solid compositions, e.g., sticks or soft solids, which compositions include a specified amount of a silicone elastomer. The compositions are gelled using what is therein termed a "carboxylated salt gelling

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agent". The patent identifies the following as examples of such gelling agents: salts of fatty acids, dibenzylidene alditols, polysaccharides, protein/polysaccharide complexes, fatty alcohols, fatty acids, and certain N-acyl amino acid amides or esters. Its preferred gellants are polysaccharide, in particular agarose. See, for example column 10, lines 30 to 21. In the exemplified compositions, the polysaccharide (agarose) is solubilised in the aqueous phase. There is nothing in Joshi et al. that discloses or suggests compositions as described by the subject claims in which a polymer comprising Brønsted acid groups is present in a phase separate from that of the dissolved antiperspirant active, nor is there any disclosure in Joshi et al. of compositions that include volatile propellant, as for example, in new claim 14.

Galleguillos et al. is directed to roll-on or gel antiperspirant compositions that comprise an antiperspirant compound, a **hydrophilic** polymer, a carrier, and optionally, a softening agent. The hydrophilic polymer is a water soluble or dispersible material that functions to thicken the aqueous phase of the compositions therein disclosed, which is the phase in which the antiperspirant active is present.

As noted in prior responses, Reiley et al. does disclose polymers comprising Brønsted acid groups, however, the use thereof is in a product in which the polymer is physically separate from the antiperspirant salt prior to application. To achieve this "separation" of polymer and antiperspirant salt, Reiley et al. discloses (a) the co-application of the polymer and antiperspirant salt from separate compositions and (b) the use of a non-interacting mixture of AP salt and polymer such as co-dispersions of the AP salt and polymer in a non-solvent carrier material.

It is respectfully submitted that one skilled in the art reading Joshi et al. and Galleguillos et al. would have not be led to take Reiley et al.'s teaching of Brønsted acid polymers and incorporate such polymers in the compositions therein disclosed. Structurally the systems of Joshi et al. and Galleguillose et al. are quite different from

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those of Reiley et al. Moreover, Rieley et al. provides a very clear teaching away from the use of its polymer together with an antiperspirant salt in compositions **that include an internal aqueous phase**, disclosing that in such a situation the polymer and antiperspirant salt should be applied from separate compositions. Further, the carboxylated salt gelling agent cited by the Action with reference to Joshi et al. and the hydrophilic polyurethanes cited with reference to Galleguillos et al. are disclosed in reference to gellation of the **antiperspirant-active containing phase**. Respectfully, the citations individually or in combination fail to reasonably teach one skilled in the art to incorporate a polymer comprising Brønsted acid groups into a composition containing an AP-active containing internal aqueous phase.

In view of the foregoing amendments and remarks, reconsideration and allowance of the subject claims is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,
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